

SB178 INTRODUCED



1 SB178
2 KHPQ85A-1
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 18-Feb-25



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SYNOPSIS:

This bill would create the Speedy Trial Act and would authorize the Chief Justice of the Alabama Supreme Court to appoint a visiting judge upon the request of the Attorney General or a district attorney.

This bill would provide for the compensation of a visiting judge.

This bill would provide for the administration and support of a visiting judge's cases.

This bill would also create the Speedy Trial Fund and provide for the use of monies in the fund.

A BILL
TO BE ENTITLED
AN ACT

Relating to courts; to create the Speedy Trial Act; to authorize the Chief Justice of the Alabama Supreme Court to appoint visiting judges in certain circumstances; to provide a process for requesting a visiting judge appointment; to provide for the powers of a visiting judge; to provide for the compensation and support of a visiting judge; and to create the Speedy Trial Fund and provide for the use of monies in the fund.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. This act shall be known and may be cited as
31 the Speedy Trial Act.

32 Section 2. (a) The Chief Justice of the Alabama Supreme
33 Court, upon request from the Attorney General or a district
34 attorney, may appoint a sitting or retired circuit judge to
35 temporarily serve in a given circuit as a visiting judge for a
36 specific case or cases arising from one or more violent
37 crimes, as defined in Section 12-25-32, Code of Alabama 1975.

38 (b) A request submitted pursuant to this section shall
39 include both of the following:

40 (1) The specific criminal case assigned to the Attorney
41 General or district attorney's office that he or she believes
42 needs a visiting judge.

43 (2) The reasons the Attorney General or district
44 attorney believes that the case needs a visiting judge.

45 (c) (1) The Chief Justice shall make a determination on
46 a qualifying request made pursuant to this section within 30
47 days after receipt of the request.

48 (2) If the Chief Justice determines that approving the
49 request would serve the public interest, he or she shall
50 appoint a visiting judge. The Chief Justice may take into
51 account the availability of funds when making a determination.

52 (3) A visiting judge shall serve until the final
53 adjudication of the matter for which he or she was appointed.

54 (d) A visiting judge appointment shall confer on the
55 visiting judge all powers, authority, and jurisdiction of the
56 respective judgeship to which he or she has been appointed.



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57 (e) (1) A visiting judge shall be paid all actual and
58 necessary expenses as approved by the Chief Justice.

59 (2) A retired judge appointed as a visiting judge may
60 be entitled to compensation pursuant to Sections 12-18-10 or
61 12-18-61, Code of Alabama 1975.

62 (f) A county shall provide adequate courtroom space for
63 hearings and trials set by a visiting judge.

64 (g) (1) A sitting judge appointed as a visiting judge
65 may assign his or her official court reporter for hearings and
66 trials set by the judge in the host circuit.

67 (2) If a special roving reporter is available in the
68 host circuit, a visiting judge may request to have the special
69 roving reporter assigned to his or her hearings and trials in
70 the host circuit.

71 (3) If the options provided in subdivisions (1) and (2)
72 are not available, a visiting judge may request a special
73 court reporter for hearings and trials set by a visiting
74 judge.

75 (4) If the options provided in subdivisions (1) through
76 (3) are not available, the Attorney General or a district
77 attorney may contract with a court reporter for hearings and
78 trials set by a visiting judge.

79 (h) (1) A visiting judge shall make every effort to
80 conduct jury trials during the host circuit's scheduled jury
81 weeks.

82 (2) On motion from the Attorney General or district
83 attorney, a visiting judge may empanel an additional jury if
84 required to expedite the administration of justice.



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85 (3) The prohibition against empaneling a special jury
86 in a capital murder case in Section 12-16-100, Code of Alabama
87 1975, is superseded if the special jury is empaneled in
88 accordance with this subsection.

89 (i) The Speedy Trial Fund is created in the State
90 Treasury. Monies in the fund, at the discretion of the Chief
91 Justice, may be used exclusively for expenses authorized by
92 this section and shall be budgeted and allotted in accordance
93 with Sections 41-4-80 through 41-4-96 and Sections 41-19-1
94 through 41-19-12, Code of Alabama 1975.

95 Section 3. This act shall become effective on June 1,
96 2025.